

REMARKS

By the present Response, Applicants have amended claims 23, 25, 34 and 41 for the purposes of clarification. With respect to these amendments, Applicants respectfully, yet strongly emphasize that the recitation "or" is intended to be an inclusive or, i.e., including each element on its own as well as various combinations and permutations of the elements. Additionally, Applicants have added new claims 42-45. With respect to these new claims, Applicants respectfully assert that no new matter has been added. Upon entry of the amendments, claims 19-45 will be pending. In light of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of the instant claims.

In the Final Office Action, the Examiner rejected claims 19-41. Applicants, however, respectfully disagree with the Examiner's rejections and, as such, traverse the rejections. In summary, Applicants respectfully assert that the Examiner has failed to present a *prima facie* case of obviousness regarding the instant claims. In view of the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims (i.e., claims 19-45).

Rejections Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 19-41 under 35. U.S.C. §103(a) as obvious in view of various references. Applicants, however, respectfully traverse the rejections, as discussed in further detail below. In summary, Applicants respectfully assert that the cited references, taken alone or in combination, fail to disclose all of the features recited in the instant claims and that the Leigh et al. reference is inapplicable prior art against the instant claims.

First, Applicants respectfully, remind the Examiner that the burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to

have been obvious in light of the teachings of the references. *Ex parte* Clapp, 227 U.S.P.Q. 972 (B.P.A.I. 1985). Indeed, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent from teaching or suggestion supporting the combination. *See ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Moreover, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *See In re Mills*, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *See In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed.Cir. 2002).

Additionally, Applicants respectfully remind the Examiner that, during patent examination, the pending claims must be given an interpretation that is reasonable and consistent with the specification. *See In re Prater*, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *see also In re Morris*, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); M.P.E.P. §§ 608.01 (o) and 2111. In other words, “[c]laims are not to be read in a vacuum, and limitations to be interpreted in light of the specification. *In re Marosi*, 218 U.S.P.Q. 289, 292 (Fed. Cir. 1983). Interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); *see also* M.P.E.P. § 2111. With the foregoing legal precedent in mind, Applicants respectfully assert that the Examiner has failed to present a *prima facie* case of obviousness in regards to the instant claims, as discussed further below.

In contrast to the cited references, the present invention, in one exemplary embodiment of the present invention comprises an extension transmitter card that includes a graphics controller and that is configurable to provide KVM extension. *See* Application, p. 2, ll. 19-20; p. 3, l. 24 to p. 4, l. 5. Advantageously, the extension transmitter card, which includes extension transmitter circuitry, facilitates user interface communications (e.g. keyboard instructions, mouse instructions, video outputs) over longer distances in comparison to user/host communications in systems without such a transmitter. *See id* at p. 8, ll.15-22. For example, the extension

transmitter circuitry 104 can facilitate communications between a host and a user interface located approximately 300 meters from one another. *See id* at p. 8, ll. 16-7. By contrast, as is appreciated by those of ordinary skill in the art, a traditional wired mouse coupled to a standard mouse port presents signal losses that prevent placement of the mouse at a distance away from the connector and the host.

To facilitate this extended operation, an exemplary card discussed in the present application includes first and second connectors that facilitate communications between the card 404 and a motherboard 402 of a host computer. *See id* FIG. 4; p. 9, ll. 10-21. Additionally, the exemplary card 404 includes a graphics controller that is located on the card and that communicates with the motherboard via the first connector. *See id*. In addition, the KVM extension circuitry, which is also located on the card 404, communicates with the motherboard over the second connector, independent of the first connector. *See id.*, p. 4, ll. 6-25. Advantageously, this exemplary embodiment of the present invention mitigates the need for additional cables located externally with respect to the host. *See id.*, p. 9, ll. 10-21. Additionally, this exemplary embodiment of the present invention provides a single card that provides extension capabilities (i.e., remote interfaces) and graphics functionality. *See id*. With the foregoing in mind, Applicants respectfully assert that the Examiner has failed to present a *prima facie* case of obviousness with respect to the instant claims.

First Rejection Under Section 103

In the Final Office Action, the Examiner rejected claims 19-23 under 35 U.S.C. § 103 (a) as obvious in view of three references: 1) a product set-up guide that is entitled, "VGA Wonder Product Family Setup Tips" and that is allegedly found at the URL:

<http://mirror.ati.com/support/products/pc/vgawonder/vgawondersetup.html> (hereinafter

"Technical Reference"); 2) a product review that is entitled "VGA Wonders Mixes the Old and New" and that is allegedly found in the July 1989 issue of Personal Computing (hereinafter

"Product Review"); and 3) a cursory product description entitled "VGA Wonder Family Cables and Connectors" that is allegedly found at the URL:

<http://mirror.ati.com/support/products/pc/vgawonder/vgawondercables.html> (hereinafter "Brief

Product Description). Applicants, however, respectfully traverse the rejection, because the cited references, taken alone or in combination, fail to disclose all of the features recited in the instant claims.

However, as a preliminary matter, Applicants respectfully assert that the Brief Product Description is not applicable as prior art against the present application, because the Brief Product Description fails to present a publication date that precedes the filing date of the present application. Prior art disclosures on the Internet or an on-line database are considered to be publicly available as of the date the item was publicly posted. *See* M.P.E.P § 2128.01, p. 2100-70. However, if the cited reference does not include a publication date, its retrieval date is the earliest date that it can be relied upon. *See id.* In the present case, the Brief Product Description lacks any semblance of a publication date; however, the Brief Product Description does appear to present a retrieval date of May 17, 2004. Accordingly, the Brief Product Description, as provided, can only be relied upon as prior art from this May 17, 2004 date. Rather, the disclosed mouse port of the cited references is located on a board that is physically connected and proximate to the host. Therefore, the standard mouse port disclosed in the cited references provides no extension whatsoever. Thus, the present application, which was filed on December 31, 2001, predates the Brief Product Description. As such, and in view of Section 102, the Brief Product Description is not applicable prior art against the present application. Therefore, Applicants respectfully assert that the Examiner may not rely on the Brief Product Description as support for the obviousness rejection.

Furthermore, even assuming, *arguendo*, that the Brief Product Description is applicable prior art, the cited references, taken alone or in combination fail to disclose all of the features recited in the instant claims. For example, independent claim 19, recites, *inter alia*, “a first circuit board assembly including extension transmitter circuitry and graphics controller circuitry.” (Emphasis added). Respectfully, Applicants assert that the cited references, taken alone or in combination, fail to disclose at least these recited features.

The Examiner contends that the Technical Reference discloses extension transmitter circuitry, because the Technical Reference discloses a standard mouse port. *See* Final Office Action mailed July 6, 2004, p. 2.

Respectfully, Applicants assert that a standard mouse port cannot be equated with the "extension transmitter circuitry" recited in the instant claims. As discussed above, claim terminology must be interpreted in a manner that is consistent with the application's specification and with the interpretation one of ordinary skill in the art would develop. *See* M.P.E.P § 2111.01. With regard to the cited references, each of these references merely disclosed a standard PS/2 mouse port. As is appreciated by those of ordinary skill in the art, a standard PS/2 port limits the distance at which a mouse may be located with respect to the host. That is to say, signal losses between a standard mouse and the standard PS/2 port would limit the mouse in distance from the host to less than 10 feet, for instance. Rather, the disclosed mouse port of the cited references is located on a board that is physically connected and proximate to the host. Therefore, the standard mouse port disclosed in the cited references provides no extension whatsoever. Indeed, there is no reason to believe that the standard mouse port disclosed in the cited references is even capable of extending communication distances to upwards of 300 meters, for instance. Thus, Applicants respectfully assert that the Examiner has failed to present a reference or a reference combination that discloses all of the features recited in the instant claim.

Accordingly, Applicants respectfully assert that independent claim 19 and its respective dependant claims 20-23 are not obvious in view of the cited references, taken alone or in combination. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of the instant claims.

Second Rejection Under 35 U.S.C. § 103(a)

In the Final Office Action, the Examiner rejected claims 24-41 under 35 U.S.C. § 103(a) as obvious in view of the Brief Product Description, the Product Review, the Technical Reference, and the Leigh et al. reference (U.S. Patent Application No. 2003/0088655).

Applicants respectfully traverse the rejection, because Applicants choose to remove the Leigh et al. reference from consideration.

Regarding the Leigh et al. reference, Applicants note that the Leigh reference is only available as prior art under Section 102(e), because the Leigh reference has a publication date of May 8, 2003 that is subsequent to the filing date of the present application (December 31, 2001). With this in mind, Applicants respectfully assert that the Leigh et al. reference should be removed from consideration in accordance with 35 U.S.C. § 103(c), because the claimed subject matter of the present application and the subject matter of the Leigh et al. reference were, at the time the invention was made, owned by or subject to an obligation of assignment to Compaq Information technologies Group, L.P. Accordingly, Applicants respectfully request that the Examiner remove the Leigh et al. from consideration in regard to the present patent application.

Thus, Applicants respectfully request that the Examiner withdraw the Section 103 rejection regarding claims 24-41. With the forgoing in mind, Applicants respectfully request reconsideration and allowance of all pending claims.

New Claims 42-45

With regard to new claims 42-45, Applicants respectfully assert that these claims are patentable over the cited references for at least the reasons discussed above. Based on the foregoing remarks, Applicants respectfully request allowance of these new claims.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the number listed below.

Authorization for Payment of Fees

In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request thereof. The Commissioner is authorized to charge the requisite fee of \$158.00 for additional claims, and any additional fees which may be required, to the deposit account No. 08-2025 Order No. 20032328-1/FLE.

Respectfully submitted,



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